



STATE OF WASHINGTON

STATE BUILDING CODE COUNCIL

128-10th Avenue SW • P.O. Box 42525 • Olympia, Washington 98504-2525
(360) 725-2966 • fax (360) 586-9383 • e-mail sbcc@cted.wa.gov • www.sbcc.wa.gov

MINUTES STATE BUILDING CODE COUNCIL CONFERENCE CALL MEETING

Date: August 3, 2009

Monitor Site: Davis-Williams Bldg., Olympia

Council Members Present: Peter DeVries, Chair; Jon Napier, Vice Chair; Ray Allshouse; John Chelminiak; Kristyn Clayton; John Cochran; Mari Hamasaki; Angie Homola; Jerry Mueller; Tien Peng; Dale Wentworth; Senator Rodney Tom; Representative Tim Ormsby

Council Members Absent: Don Jordan, Tom Kinsman, Robert Koch

Visitors Present: Paul O'Connor, Brian Minnich, Timothy Harris, Eric Lohnes, Chuck Murray

Staff Present: Tim Nogler, Krista Braaksma, Joanne McCaughan, Sue Mathers

CALL TO ORDER

Peter DeVries, Council Chair, called the meeting to order at 11:02 a.m. Introductions were made.

REVIEW AND APPROVE AGENDA

The agenda for today's meeting was reviewed and approved as written.

SPECIAL ORDER OF BUSINESS

Reconsideration of Log #09-234

Tim Nogler explained that Log #09-234 is a proposal to adopt Chapter 11, Energy Efficiency Requirements, of the International Residential Code (IRC). The Residential Code TAG brought this proposal forward for Council consideration at the July meeting. The Council chose not to advance it to public hearing, based on the submittal date of the proposal. Its submittal date met the deadline for IRC code change proposals but failed to meet the earlier deadline for energy

code change proposals. The Council determined that it is an energy code change and should have met the earlier deadline.

Council rules allow reconsideration of motions if the Council is petitioned within 10 days of when the motion was made. Diane Glenn submitted a timely petition with supporting information from the Building Industry Association of Washington (BIAW). The petition asks that the Council move Log #09-234 to public hearing.

Peter asked Tim to outline Council options in the rules for reconsideration. Tim said despite having 60 days to respond to a reconsideration petition, an immediate response is sought because of filing deadlines in the rulemaking process. He said the Council has 60 days to respond to the petition in writing:

1. Granting the petition;
2. Requesting additional information and extending the deadline for response; or
3. Denying the petition, clearly stating the reasons for denial.

Motion #1:

Kristyn Clayton moved to deny the petition for reconsideration of Log #09-234, because it is an energy code change proposal and it failed to meet the March 1, 2009 deadline for energy code change proposals. Dale Wentworth seconded the motion.

Kristyn said reconsidering Log #09-234 would set a dangerous precedent. There is a strong history of respect and recognition between TAGs, which #09-234 completely circumvented. As an example, the Energy Code TAG received plumbing proposals this year. While they included some energy savings, they were clearly plumbing. The Energy Code TAG immediately forwarded those proposals to the Plumbing Code TAG for consideration. Similar action should have been taken by the Residential Code TAG, transferring #09-234 to the Energy Code TAG.

Kristyn said the technical merits of this proposal will be worked by the Energy Code TAG anyway. It's part of the TAG workplan. The bottom line is that this proposal impacts the WSEC and the Energy Code TAG didn't study it at all.

Angie Homola said she's hopeful that the Council will follow Robert's Rules of Order about when people can testify and deadlines by which items must be submitted. She said doing so is critical. It's unknown how many other members of the public may have wanted to testify or submit items who did not, because they acknowledged the deadline.

In addition, Angie expressed hope that the IRC can be incorporated into the WSEC with due process review. She asked if Kristyn expects the Energy Code TAG to begin reviewing items from Chapter 11 during this code cycle or during the next cycle. Kristyn said she expects that work to begin in 2010. She anticipates it will take two to three months. Stringency has to be carefully considered, because reduced stringency is prevented by statute. Even if the TAG gets a head start by beginning review this fall, Council consideration won't begin until 2010. Reaching consensus on exact code language is extremely difficult and time-consuming. Since Energy Code TAG members agree code writing takes three times the effort needed to agree on stringency

and philosophy issues, Kristyn recommends a consultant do the wordsmithing necessary before “painting and polishing” by the TAG.

John Cochran asked Tim if Chapter 11 of the IRC was deferred to the Energy Code TAG by the Residential Code TAG. Tim answered no. John then asked how that proposal got to the Energy Code TAG. Tim said the Energy Code TAG never reviewed the proposal. It was brought to the Council by the Residential Code TAG.

Ray Allshouse, Co-chair of the Residential Code TAG, said it appears appropriate, with Council consensus, to formally task the Energy Code TAG with Log #09-234 for action next year. Thanking Ray, Peter agreed.

The question was called for. The motion was adopted, by a vote of 9 ayes to 1 nay.

STAFF REPORT

Tim said because of the volume and complexity of this year’s filing, the August 5 deadline to file documents to meet time requirements for a public hearing on September 10 can’t be met. As a result, the September 10 and 17 public hearings are cancelled and have to be rescheduled.

Given the next filing deadline of August 19, the first possible public hearing date is September 24. Tim said tentative public hearing dates are September 24 in Renton and October 1 in Spokane. Council members will be polled about their availability on those dates.

ADJOURNMENT

Lacking further business, Peter adjourned the meeting at 11:25 a.m.